

REMARKS

In response to the action of June 11, 2008, applicant asks that all claims be allowed in view of the amendments to the claims and the following remarks. This response is being filed concurrently with a Request for Continued Examination.

Claims 1-6, 10-15, 19, and 20-26 are currently pending, with claims 1, 10, and 19 being independent. Claims 1, 10, and 19 have been amended and claims 21-26 have been added. Support for the amendments and new claims may be found throughout the application, for example, at page 9, line 3 through page 13, line 26. No new matter has been introduced.

§ 112 Rejection

Claims 1-9, 19, and 20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claims 1 and 19 and submits that the amendments to claims 1 and 19 address all of the issues raised in the Office Action. Therefore, applicant respectfully requests reconsideration and withdrawal of this rejection.

Double Patenting Rejections

Claims 1, 10, and 19 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7, and 15 of copending Application No. 10/784,196. Without conceding obviousness, applicant respectfully requests that this provisional rejection be held in abeyance until the claims of both this application and those in Application No. 10/784,196 are otherwise held to be allowable.

§ 103 Rejections

Claims 1-6, 10-15, 19, and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bracho et al. (U.S. Patent No. 5,870,605) in view of Cheng et al. (U.S. Patent No. 5,884,324). Applicant requests reconsideration and withdrawal of this rejection because each of Bracho, Cheng, and the proposed combination fail to describe or suggest the subject matter of amended independent claims 1, 10, and 19, as described more fully below.

As amended, independent claim 1 recites a computer program tangibly embodied on computer-readable medium that is programmed to, when executed, execute a query against

portions of application data to identify at least one result, identify at least one data site to which the type of data is to be distributed using the at least one result of the executed query, and generate data subscriptions for the type of data to be distributed to data sites by automatically assigning the data subscriptions to the at least one data site identified using the at least one result of the executed query. Applicant submits that each of Bracho, Cheng, and the proposed combination fail to describe or suggest at least these features.

Specifically, Bracho describes techniques for making information available via a networked system of publishers and subscribers. *See* Bracho at col. 1, lines 19-21. “Publishers” publish information, and “subscribers” request and use the information. *See* Bracho at col. 1, lines 63-65. In particular, each subscriber receives information (or an event) published by the publisher if, and only if, the events match subscription criteria specified by the subscriber. *See* Bracho at Abstract; col. 2, lines 19-21. To receive information, the subscribers register a subscription for an event type. *See* Bracho at col. 8, lines 44-51. Subscribers then specify the information that they want to receive by an event type and the content of the event. *See* Bracho at col. 5, lines 24-25. As such, Bracho describes a system in which information is published to subscribers based on the event and the content of the event *as specified by the subscriber*. The Bracho system does not *generate* data subscriptions for the type of data to be distributed to data sites by *automatically assigning* the data subscriptions to the at least one *data site identified using* the at least one result of *the executed query*, as recited by amended claim 1.

In addition, Cheng fails to remedy the deficiencies of Bracho discussed above. The action indicates that Cheng, in column 4, lines 58-61, discloses a distribution criterion including a query executable against portions of the application data. However, this portion, or any other portion of Cheng, does not describe or suggest *generating* data subscriptions for the type of data to be distributed to data sites by *automatically assigning* the data subscriptions to the at least one *data site identified using* the at least one result of *the executed query*, as recited by amended claim 1.

Specifically, Cheng describes techniques for accessing information stored in a database on a database management system. *See* Cheng at col. 1, lines 6-8. Cheng's techniques include a replication agent for providing replicated data from the database management system to a remote user. *See* Cheng at col. 1, lines 8-10. Cheng's replication agent receives a subscription message

from the remote client. *See* Cheng at col. 3, lines 45-47. The subscription message identifies data that the remote client wants replicated from the database management system and specifies a replication period. *See* Cheng at col. 3, lines 48-53. "The subscription message may contain logical DMBS 108 commands, such as SQL statements." Cheng at col: 3, lines 53-55. The data replication agent accesses and reads a change log stored in the database management system and transmits changed data to the remote client. *See* Cheng at col. 3, lines 59-62 and 65-66. Cheng also discloses "[o]nce communications are established, the query result will be sent to and stored at the remote client 100, and the daemon 132 will notify the person making the database request of the query result." Cheng at col. 4, lines 58-61.

Although Cheng discloses that a subscription message may include logical DMBS commands, such as SQL statements, and that the query result may be sent to the person making the database request, the Cheng system does not *generate* data subscriptions for the type of data to be distributed to data sites by *automatically assigning* the data subscriptions to the at least one *data site identified using* the at least one result of *the executed query*, as recited by amended claim 1.

Accordingly, each of Bracho, Cheng, and the proposed combination fails to describe or suggest the subject matter recited by amended claim 1. Therefore, for at least these reasons, applicant requests reconsideration and withdrawal of the rejection of claim 1 and its dependent claims.

Independent claims 10 and 19, although different in scope from claim 1 and each other, recite features similar to those in claim 1 discussed above. Accordingly, for at least the reasons discussed above with respect to claim 1, applicant requests reconsideration and withdrawal of the rejection of claims 10 and 19 and their dependent claims.

New Claims

New claims 21-26 each depend from independent claim 10. At least for the reason of that dependency and the reasons noted above with respect to independent claim 10, applicant submits that claims 21-26 are allowable.

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Pursuant to 37 CFR §1.136, applicant hereby petitions that the period for response be extended for two months to and including November 12, 2008. November 11, 2008 was a government holiday in which the U.S. Patent and Trademark Office was closed.

Applicant submits that all claims are in condition for allowance.

The fee in the amount of \$1300.00 in payment of the Request for Continued Examination fee (\$810) and the two-month extension of time fee (\$490) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: November 12, 2008

/Jeremy J. Monaldo/

Jeremy J. Monaldo
Reg. No. 58,680

Customer No. 32864

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (877) 769-7945